REMARKS

Applicant has reviewed the Office Action mailed on January 24, 2006 as well as the art cited. Claims 1, 10 and 16 are currently amended. New claims 47-54 have been added to claim material disclosed by the specification. No new matter has been added by these amendments. Claims 25-46 were previously canceled. Claims 1-24 and 47-54 are pending in this application.

Summary of Examiner Interview

The Applicants' representatives, David Fogg (Registration Number 35,138) and Joseph Kendrick (Registration Number 53,109) thank Examiners Roberts and Kizou for the opportunity to discuss aspects of this case in a personal interview on May 8, 2006.

Claim 1 was specifically discussed with respect to the Examiner's rejection of these claim under 35 U.S.C. §103(a) as being unpatentable over Ganesan in view of Inoue. During the interview, Applicants' representatives asserted that neither Ganesan nor Inoue discussed the concept of a hardware controller that caused changes to associated hardware based on changes that occurred in a database. Accordingly, the references either alone or in combination failed to teach all of the limitations of claim 1. The examiners agreed to take this argument into further consideration. Additionally, the Examiners and the Applicants' representatives discussed potential amendments to clarify the language used to describe messages sent by the hardware controller. Specifically, the Applicants' representatives proposed removing the word "alarm" from the phrase "alarm change messages" to clarify the meaning of the phrase. This term was not changed to overcome an art rejection.

Applicants believe that the substance and scope of the personal interview of May 8, 2006 is accurately captured in the summary above and the arguments below.

Rejections Under 35 U.S.C. § 103

Claims 1-4, 6-12 and 14-23 were rejected under 35 USC § 103(a) as being unpatentable over Ganesan et al. (U.S. Patent No. 5,727,160) in view of Inoue (U.S. Patent No. 6,252,858).

When applying 35 U.S.C. §103, the claimed invention must be considered as a whole; the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention and a reasonable expectation of success is the standard with which obviousness is determined. *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2143

Claims 1-4, 6-12 and 14-23

With respect to the independent claims 1, 10, 16 and 21, the Examiner refers to Ganesan, figure 15, and asserts that the I/O port manager (IOPM 612) is connected to I/O Cards 614, indicates when T1 line failures occur by frequently polling the I/O cards, and maintains and reports the status of the I/O ports to the Operation Maintenance Center. Further, the Examiner asserts that IOPM 612 monitors the I/O ports for alarms and reports the events to the OMC, and may perform switchover for backup T1 cards in response to alarm conditions. The Examiners recognizes that Ganesan does not teach "a system information database adapted to refresh based on collected performance information and generate system status information."

The examiner also references Inoue (col. 13 line 63- col. 14 line 8), which provides a "data retrieval and rearrangement unit 21 [that] has a capability to produce useful data for a network verification test, which helps the network engineer to designate specific connection paths… Further, the data retrieval and rearrangement unit 21 aids troubleshooting by offering

such information that indicates which transmission units and what part of the transmission units are related to a faulty path." The Examiner concluded that "[i]t would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the IOPM to include a system information data base adapted to refresh based on collected performance information and generate system status information because it would allow the IOPM to monitor and periodically record status and alarm conditions of the T1 I/O ports in a database and generate fault information that is reported to the OMC to aid in troubleshooting."

With respect to the independent claims 1, 10, 16 and 21, the Applicant asserts that these independent claims are patentable over Ganesan et al. (U.S. Patent No. 5,727,160) in view of Inoue (U.S. Patent No. 6,252,858) because the references, either alone or in combination, fail to teach or suggest the invention as claimed.

With regards to claim 1, applicant respectfully asserts that Ganesan and Inoue, either alone or in combination, fail to teach or suggest "a hardware controller adapted to selectively communicate change messages to one or more of the hardware components based on the collected performance information and the system status information" as is provided by the amended claim 1 of the present application. Applicant's specification teaches "[i]n operation, transport hardware controller 120 is responsible for reacting to changes that occur in SI database 124. ... *Transport hardware controller 120 causes changes to associated hardware based upon a change in SI database 124* using appropriate hardware driver(s) 112-1 to 112-N." (see Application at paragraph [0019] to [0021]). Ganesan and Inoue, either alone or in combination, fail to teach or suggest the claimed motivation between the hardware controller and the database .

With regards to claim 10, for the reasons discussed above, applicant respectfully asserts that Ganesan and Inoue, either alone or in combination, fail to teach or suggest "a hardware controller adapted to selectively communicate change messages to one or more hardware

components based on the alarm information and the system status information" as is provided by amended claim 10 of the present application.

With regards to claim 16, for the reasons discussed above, applicant respectfully asserts that Ganesan and Inoue, either alone or in combination, fail to teach or suggest a "hardware module [that] selectively communicates change messages to one or more of the hardware components based on the collected performance information and the system status information" as is provided by amended claim 16 of the present application.

With regards to claim 21, for the reasons discussed above, applicant respectfully asserts that Ganesan and Inoue, either alone or in combination, fail to teach or suggest a "transport hardware controller [that] selectively communicates with one or more hardware drivers to effect a configuration change based on the collected performance information and the system status information" as is provided by claim 21 of the present application.

Respectfully, Examiner has not established a *prima facie* case of obviousness because Ganesan, either alone or in combination with Inoue, does not teach or suggest all the elements of claims 1, 10, 16 and 21 of the present invention. As a result, Applicant respectfully asserts that claims 1, 10, 16 and 21 are allowable. Claims 2-9 depend from and further define claim 1 and as a result are also allowable at least for the reasons identified above for claim 1. Claims 11-15 depend from and further define claim 10 and as a result are also allowable at least for the reasons identified above for claim 10. Claims 17-20 depend from and further define claim 16 and as a result are also allowable at least for the reasons identified above for claim 16. Claims 22-24 depend from and further define claim 21 and as a result are also allowable at least for the reasons identified above for claim 21.

Claims 5 and 13

Claims 5 and 13 were rejected under 35 USC § 103(a) as being unpatentable over Ganesan et al. (U.S. Patent No. 5,727,160) in view of Inoue (U.S. Patent No. 6,252,858) as applied to the parent claims, and further in view of Chang et al. (U.S. Patent No. 6,167,279).

Claims 5 and 13 depend from and further define claims 1 and 10, respectively. Because claims 1 and 10 are allowable for at least the reasons discussed above, claims 5 and 13 are also allowable.

Claim 24

Claim 24 was rejected under 35 USC § 103(a) as being unpatentable over Ganesan et al. (U.S. Patent No. 5,727,160) in view of Inoue (U.S. Patent No. 6,252,858) as applied to the parent claims, and further in view of Major et al. (U.S. Patent No. 5,255,932).

Claims 24 depends from and further define claim 21. Because claim 21 is allowable for at least the reasons discussed above, claim 24 is also allowable.

Because the Applicant believes claims 1-24 are allowable for the above reasons, Applicant may not have put forth responses to additional rejections to said claims at this time. However, the Applicant reserves the right to address said additional rejections to said claims if a further response is required.

CONCLUSION

Applicant respectfully submits that claims 1-24 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at 612-455-1687.

Respectfully submitted,

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